

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	CASE NO.
COMPANY FOR AN ADJUSTMENT OF ITS	)	2014-00371
ELECTRIC RATES	)	

ORDER

On December 10, 2014, Rosa Hubbard ("Petitioner") submitted a written letter, which, among other things, requested intervention in this case. The Commission will treat this letter request as a formal petition to intervene. Petitioner asserts that she is a concerned citizen in Coldiron, Kentucky, and a customer of Kentucky Utilities Company ("KU").<sup>1</sup> She asks that KU "settle in my behalf."<sup>2</sup>

In response, Kentucky Utilities Company ("KU") argues against Petitioner's intervention and contends that Petitioner does not demonstrate that she has a special interest in this proceeding that is not otherwise represented by the Attorney General ("AG"), or that her intervention will assist the Commission in fully considering this matter, as required by 807 KAR 5:001, Section 4(11)(b).<sup>3</sup> Additionally, KU contends that Petitioner's motion "provides nothing in the way of qualifications, experience, or background that give reason to believe that she could assist the Commission in considering the facts and issues that are relevant and jurisdiction to the Commission."<sup>4</sup>

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<sup>1</sup> Motion of Rosa Hubbard for Intervention.

<sup>2</sup> *Id.*

<sup>3</sup> Kentucky Utilities Company's Response to Rosa Hubbard's Request for Application to Intervene, filed Dec. 17, 2014, at 1.

<sup>4</sup> *Id.* at 3.

The only person with a statutory right to intervene is the AG, pursuant to KRS 367.150(8)(b). That statute authorizes the AG to participate “on behalf of consumer interests.” On October 30, 2014, the AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) “grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent consumers’ interests.”<sup>5</sup> The AG’s petition was granted by the Commission’s Order dated November 3, 2014. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>6</sup>

In exercising our discretion to determine permissive intervention, there are both statutory and regulatory limitations on the Commission. The statutory limitation, KRS 278.040(2), requires that “the person seeking intervention must have an interest in the ‘rates’ or ‘service’ of a utility, since those are the only two subjects under the jurisdiction of the PSC.”<sup>7</sup> The regulatory limitation is set forth in 807 KAR 5:001, Section 4(11). That regulation requires a person seeking intervention to file a request in writing which “shall state his or her interest in the case. . . .”<sup>8</sup> That regulation further provides that:

The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering

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<sup>5</sup> AG’s Motion to Intervene at 1.

<sup>6</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>7</sup> *EnviroPower, LLC v. Public Service Comm’n*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

<sup>8</sup> 807 KAR 5:001, Section 4(11)(a).

the matter without unduly complicating or disrupting the proceedings.<sup>9</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion for permissive intervention.

Here, based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds Petitioner has failed to demonstrate a special interest in the proceeding or that she is likely to present issues or develop facts that would assist the Commission in fully considering the specific issues raised in the rate application. Additionally, the Commission finds that Petitioner does not have a special interest in the proceeding which is not otherwise adequately represented by the Attorney General.

Petitioner will have ample opportunity to participate in this proceeding even though she has not been granted intervener status. She can review all documents filed in this electronic case and monitor the proceedings via the Commission's website at the following web address: [http://psc.ky.gov/efs/efs\\_search.aspx?case=2014-00371](http://psc.ky.gov/efs/efs_search.aspx?case=2014-00371). Petitioner may also file comments as frequently as she chooses, and her comments will be entered into the record of this case. All members of the public also may be afforded an opportunity to address the Commission in person, either immediately prior to any evidentiary hearing in this matter or in any meetings the Commission schedules for the express purpose of receiving public comments.

IT IS THEREFORE ORDERED that the request of Ms. Rosa Hubbard for intervention is denied.

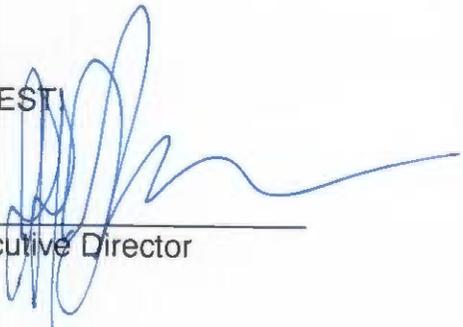
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<sup>9</sup> 807 KAR 5:001, Section 4(11)(b).

By the Commission

ENTERED  
JAN 06 2015  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST

  
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